

1 BY MR. HELMICK:

2 Q Do you know how the programming from Jukebox Radio  
3 Network is sent to WJUX?

4 A I haven't got the foggiest idea.

5 Q But at any rate, when the phone line was cut, did  
6 WJUX lose its programming?

7 A Yes, sir.

8 Q How did you first become aware that there was a  
9 problem with the interruption of WJUX programming?

10 A To the best of my recollection, I got a phone call  
11 from the Network.

12 Q From Jukebox Radio Network?

13 A That's correct.

14 Q Do you know who called you?

15 A I believe it was Mr. Turro.

16 Q You had not been monitoring WJUX when this call  
17 was received?

18 A No, sir. I can't listen to two stations at the  
19 same time.

20 Q So, the first you became aware that there was an  
21 interruption in WJUX programming, was when Mr. Turro called?

22 A That's correct.

23 Q In the summer of 1995 during the time frame when  
24 this program interruption occurred, to your knowledge, was  
25 any notation made of the fact that WJUX programming has been

1 interrupted in any logs at WJUX?

2 A To the best of my knowledge, there was none. I  
3 made none.

4 Q Would anyone else have made entries in a log?

5 A Not that I know of

6 THE COURT: Was it part of your responsibilities  
7 and duties to keep a log for WJUX or WXTM?

8 THE WITNESS: No.

9 BY MR. HELMICK:

10 Q Do you know whether a log is kept at WJUX  
11 currently?

12 A There is no log kept at WJUX presently, except for  
13 the political spots that I just ran. I log them on a sheet  
14 of paper as to day and time.

15 Q I am not talking specifically about a program log.  
16 Are you talking about a program log where you have political  
17 spots?

18 A I do not have a program log. I simply made a  
19 notation of what times those commercials ran.

20 Q What happens if there is an interruption or  
21 technical problem for WJUX? Does anyone at WJUX Monticello  
22 make entries of those instances?

23 A I do not know.

24 Q What was the date the phone was first installed at  
25 WJUX?

1           A     The first time there was a phone installed on my  
2 desk was July -- early July of 1995.

3           Q     Was there any other phone, exclusively for WJUX  
4 installed prior to July of 1995?

5           A     I think I answered that already. I said not that  
6 I knew of.

7           Q     Well, you would have certainly known that.

8           A     If it rang, I would have known it.

9           Q     Had there been a phone for WJUX in the studio, you  
10 would have known about it. Right?

11           MR. EDMUNDSON: Objection. Argumentative.

12           THE COURT: Overruled.

13           THE WITNESS: I'm sorry.

14           BY MR. HELMICK:

15           Q     I am trying to draw a distinction. Your testimony  
16 was that July 1995, a phone was installed on your desk.

17                 Was there a phone for WJUX, outside your office,  
18 prior to July 1995?

19           MR. EDMUNDSON: Objection. Asked and answered.

20           THE COURT: You did not know of any. Is that  
21 right?

22           THE WITNESS: I did not know of any.

23           THE COURT: And if there was, you probably would  
24 have known. Is that accurate?

25           THE WITNESS: No. I can't say that's accurate,

1 because conceivably there could have been a phone installed  
2 in the main WJUX studio at the time. And if it didn't ring,  
3 I would not have known it.

4 THE COURT: That is as good as you might get, I  
5 think.

6 Tell me, does Mr. Blabey have a separate office?

7 THE WITNESS: Yes, he does.

8 THE COURT: Is it locked when he is not there?

9 THE WITNESS: No.

10 THE COURT: Does he have a phone on his desk?

11 THE WITNESS: He has a phone, and it is the same  
12 phone that is on everyone else's desk.

13 THE COURT: Including yours?

14 THE WITNESS: That's correct.

15 THE COURT: With the same incoming numbers?

16 THE WITNESS: That's correct.

17 THE COURT: Same outgoing numbers?

18 THE WITNESS: Yes.

19 BY MR. HELMICK:

20 Q Ms. Montana, prior to July 1995, did you ever get  
21 any calls on any phone in the WVOS, WJUX studio complex that  
22 came in specifically on a dedicated line for WJUX?

23 A I'm sorry. I don't understand the question.

24 THE COURT: Do you want me to give it a shot?

25 MR. HELMICK: Go ahead.

1 THE COURT: Prior to July 1995, did any calls come  
2 in relating to WJUX matters?

3 THE WITNESS: Yes, they did.

4 THE COURT: What phone did they come in on?

5 THE WITNESS: On the WVOS phone.

6 THE COURT: Okay.

7 BY MR. HELMICK:

8 Q Do you recall any discussion in your deposition  
9 testimony about buying a replacement phone for WJUX?

10 A Yes, I did.

11 Q Why was it necessary to buy a replacement phone?

12 A The first phone I purchased was not transmitting  
13 on my side. No one could hear me. And I bought a new one.  
14 I returned that one and bought a new one.

15 Q That was a phone you purchased for WJUX?

16 A That's correct.

17 Q Do you recall when that phone was purchased?

18 A I'm sorry. When the second one?

19 Q The first one.

20 A It was early July 1995.

21 Q Ms. Montana, prior to July 1995, when you would  
22 receive calls dealing with WJUX, who would call in?  
23 Generally describe what kind of calls you would receive.

24 A Generally, they were listener calls asking what  
25 the station was, complimenting the music. How can I get a

1 request played? Things of that nature.

2 Q But they would be calling on the WVOS telephone?

3 A That's correct.

4 THE COURT: How would they get a request played?

5 THE WITNESS: I would either take the request and  
6 refer it to the Network, or I would give them the Network  
7 local phone number.

8 THE COURT: The number that they could call in the  
9 Sullivan County area to reach Dumont without paying a toll?

10 THE WITNESS: That's correct.

11 THE COURT: If you took the request, what did you  
12 do with it?

13 THE WITNESS: I called it in to the Network.

14 THE COURT: Did you ever get any calls complaining  
15 about the music?

16 THE WITNESS: I received some complaints.

17 THE COURT: I am talking about WJUX?

18 THE WITNESS: Yes.

19 THE COURT: What did you do with the complaints?

20 THE WITNESS: I routed them to the people that I  
21 thought they should go to.

22 THE COURT: Did you do that orally or by fax?

23 THE WITNESS: Orally.

24 BY MR. HELMICK:

25 Q Ms. Montana, when did George Spicka became an

1 employee of WJUX?

2 A In August 1995.

3 Q You referred to Alan Kirschner. Was Alan  
4 Kirschner ever an employee of WJUX?

5 A Was he ever?

6 Q Yes.

7 A He is the chief engineer at the current time.

8 Q He is the chief engineer at the current time?

9 A That's correct.

10 Q Was Mr. Kirschner employed at WJUX at the time of  
11 the FCC inspection in April 1995?

12 A I believe so.

13 Q Where is Mr. Kirschner located?

14 A I think Mr. Kirschner's office is in Rockland  
15 County. I'm not sure.

16 THE COURT: Did you know if Mr. Kirschner was in  
17 his office and needed to get to the WJUX transmitter by car,  
18 how long would it take him to get there?

19 THE WITNESS: I'm not sure where in Rockland  
20 County he is. I'm gonna guesstimate maybe, an hour and a  
21 half.

22 BY MR. HELMICK:

23 Q Do you know if Mr. Kirschner was employed by Mr.  
24 Turro?

25 A I have no idea.

1           Q     With the exception of the local political ads that  
2     Mr. Blabey recently originated from the WJUX studio, to your  
3     knowledge, have you ever received any inquiries from local  
4     advertisers about purchasing time directly on WJUX, not  
5     through Jukebox Radio Network?

6           A     To the best of my knowledge, I have not received  
7     any of those inquiries.

8           Q     To your knowledge, would you know if Mr. Blabey  
9     has ever received any such calls?

10          A     To the best of my knowledge, he has not.

11          Q     Ms. Montana, on the day of the FCC inspection in  
12     April 1995, when the inspector showed up at WJUX, I believed  
13     you testified that when the inspector arrived at the  
14     station, that Mr. Blabey was at the station. Is that  
15     correct?

16               MR. EDMUNDSON: I object. It seems to me that the  
17     record is going to reflect whatever it reflects. I think it  
18     is improper. This is a preliminary --

19               MR. HELMICK: Well --

20               MR. EDMUNDSON: Excuse me. I think it is improper  
21     to go back over testimony and state counsel's belief as to  
22     what may or may not have been testified. It will only  
23     confuse the record.

24               THE COURT: Okay. I view that question as a  
25     preliminary question to the real question. And if it in any



1 way mischaracterizes what the witness testified, two things  
2 can happen. The witness can say 'That's not what I said,'  
3 and clarify it. Or the witness can say, 'Yes. That's what  
4 I said.' If that is not what she said, Mr. Helmick's  
5 statement is not going to wind up in the idea as a fact.

6 I think it is perfectly appropriate to summarize  
7 testimony as a set-up for the next question. We do not have  
8 a copy of the record we can all read back.

9 MR. RILEY: I state this by way of an objection.  
10 I recall Ms. Friedman asking that question. And I believe  
11 that Ms. Friedman was making notes, hers would correspond  
12 with mine. And they are diametrically opposed with what Mr.  
13 Helmick just stated was her testimony, as to her  
14 recollection.

15 THE COURT: Okay.

16 MR. RILEY: Absolutely contradicts what Mr.  
17 Helmick just said she testified to, as to her recollection.

18 MR. HELMICK: Fine. I will rephrase the question,  
19 Mr. Riley.

20 THE COURT: I do not have that in my notes.

21 MR. HELMICK: I will withdraw the question, Your  
22 Honor.

23 THE COURT: Yes. If you want to say it again --

24 MR. HELMICK: I will start again.

25 THE COURT: I cannot say what I want to say with

1 the witness present, so I will not say anything.

2 BY MR. HELMICK:

3 Q Ms. Montana, in April 1995, when the FCC inspector  
4 showed up at WJUX, was Mr. Blabey present at the studio?

5 A I did not recall Mr. Blabey being present at the  
6 studio, which is what I said in my deposition. Since then,  
7 having talked to Mr. Blabey, he told me he was present. I  
8 still do not remember him being there.

9 Q When did Mr. Blabey tell you that he was present  
10 at the studio when the inspector showed up?

11 A I believe it was in the last month.

12 Q Other than the fact that Mr. Blabey has told you  
13 that he was present, you have no recollection of him being  
14 present. Is that correct?

15 A That's correct.

16 Q At the time of the FCC inspection in April of  
17 1995, who was the chief operator at WJUX?

18 MR. RILEY: Asked and answered.

19 MR. HELMICK: No. Well, this is a preliminary  
20 question.

21 THE COURT: You can answer it.

22 THE WITNESS: I'm sorry.

23 THE COURT: Rephrase it, or ask the question  
24 again.

25 THE WITNESS: The chief operator or the chief

1 engineer?

2 BY MR. HELMICK:

3 Q You discern a difference in those terms? And if  
4 so, would you explain?

5 A Yes. There's absolutely a difference.

6 Q Okay. Why don't you explain?

7 A The chief operator is the person who's on premises  
8 all the time for a regular radio station. This is what I  
9 know. I'm not an engineer. I don't know.

10 Q Who would be the chief operator on premises at  
11 WJUX during the time of the inspection?

12 A I don't know. I don't know that anyone has that  
13 title.

14 Q What do you understand the term chief engineer to  
15 mean?

16 A In my -- To the best of my knowledge, the chief  
17 engineer is someone who gets called and maintains the  
18 equipment. Is the person that gets called in case there's a  
19 problem.

20 Q Exactly. Using your terminology, who was chief  
21 engineer for WJUX at the time of the FCC inspection?

22 A I honestly don't recall what I answered  
23 previously.

24 Q I am not asking you for your recollection as to  
25 what you answered previously. I am asking for your

1 recollection.

2 A I don't recall.

3 Q Ms. Montana, after the FCC inspection of WJUX in  
4 April 1995, what changes were made in procedures and  
5 operations of WJUX in Monticello, to your knowledge?

6 A After the inspection, a phone was installed on my  
7 desk, and a sign was installed in the front of the studio --  
8 on the street saying that WJUX studio was there.

9 Q Anything else?

10 A Yes. George Spicka was hired, and weekly E.B.S.  
11 tests have been originated from the WJUX studio.

12 Q Anything else that you can think of?

13 A Not that I recall.

14 MR. HELMICK: Your Honor, I would like to have  
15 marked for identification, a one page document bearing no  
16 title. It looks to be a memorandum regarding WJUX Jukebox  
17 Radio dated May 21, 1996. I would have that marked for  
18 identification as Mass Media Bureau Exhibit 38.

19 MR. RILEY: I object, Your Honor.

20 THE COURT: Not yet. The document described will  
21 be marked for identification as Mass Media Bureau Exhibit  
22 38.

23 (The document referred to was  
24 marked for identification as  
25 Mass Media Bureau Exhibit 38.)

1 MR. HELMICK: I would like to provide a copy of  
2 this to Ms. Montana.

3 THE COURT: Yes.

4 MR. HELMICK: And request that you look at that  
5 document and read it to yourself

6 BY MR. HELMICK:

7 Q Ms. Montana, having read Mass Media Bureau Exhibit  
8 38, was this document generated as a result of the FCC  
9 inspection in April of 1995?

10 MR. RILEY: I object, Your Honor. First, I think  
11 it is not yet Bureau Exhibit 38. It has not been offered in  
12 the proceeding.

13 THE COURT: It is offered for identification.

14 MR. RILEY: I will object to questioning on this  
15 document. It does not go to impeach any testimony that Ms.  
16 Montana has given. It was furnished to the Bureau by Mr.  
17 Blabey or Ms. Montana, I believe, in response to a subpoena  
18 for their deposition. If not, then it was furnished by  
19 Monticello Mountaintop in response to a Motion for  
20 Production. It ought to have been exchanged as a Bureau  
21 Exhibit if they were planning to use it. It has not been  
22 offered here for impeachment purposes.

23 THE COURT: What is the purpose of questioning her  
24 on this document?

25 MR. HELMICK: It is to refresh her recollection

1 and ask her questions on it.

2 THE COURT: Well, if it to refresh her  
3 recollection, it should not be marked.

4 What information do you need elicited through this  
5 document? In terms of whether there were any other changes?

6 MR. HELMICK: That is correct, Your Honor.

7 THE COURT: Let me do that. Have you seen this  
8 document?

9 THE WITNESS: Yes, sir. I wrote it.

10 THE COURT: Does this refresh your recollection  
11 that there might have been other changes made after the FCC  
12 inspection, other than what you previously testified to?  
13 You said there was a phone installed for WJUX, a sign put up  
14 for WJUX, Mr. Spicka was hired and you commenced weekly  
15 E.B.S. tests. Does this refresh your recollection that  
16 there might have been other changes made?

17 THE WITNESS: No, sir. This memo did not come  
18 because of the FCC inspection. This was a directive to me  
19 by Mr. Blabey, the owner and general manger of WVOS, asking  
20 me to inform the WVOS staff that they had no responsibility  
21 to WJUX.

22 THE COURT: Okay. So, this was not a change as a  
23 result of the FCC inspection, so it does not refresh her  
24 recollection.

25 If you are going to show the witness for

1 refreshing recollection purposes, we will not mark it. We  
2 will just show her. At least not initially.

3 MR. HELMICK: All right.

4 BY MR. HELMICK:

5 Q Ms. Montana, do you recall your testimony about an  
6 ice storm in the winter of 1995?

7 A That's correct.

8 Q Was WVOG knocked off the air because of that ice  
9 storm?

10 A The WVOG studio was knocked off the air for  
11 several hours until New York State Electric & Gas was able  
12 to provide us with a generator, so that we could go back on  
13 the air and inform people of where they could get shelter,  
14 dry ice and things of that nature.

15 Q Was the WVOG transmitter knocked off the air?

16 A It couldn't possibly have been, if we were able to  
17 transmit once we got the studio back on line. The  
18 transmitter was still on the air.

19 Q Is that an assumption on your part? If the studio  
20 was knocked off the air, could you do any programming from  
21 the WVOG studio?

22 A Of course we did programming.

23 Q How was it sent to the WVOG transmitter?

24 A I have no idea how the programming gets from the  
25 studio to the transmitter. I don't know those electronic

1 things.

2 Q When that ice storm occurred, WVOX was still  
3 transmitting and broadcasting without interruption?

4 A That's not what I said sir.

5 Q What?

6 A I said WVOX studio was knocked off the air for  
7 several hours until New York State Electric & Gas provided  
8 us with a generator to get the studio back on the air. At  
9 that point in time, we resumed regular programming. To the  
10 best of my limited engineering knowledge, we could not have  
11 resumed programming had the transmitter been knocked out.

12 MR. RILEY: Your Honor there are two WVOX radio  
13 stations. There is an AM and a FM. I think Mr. Helmick's  
14 question and Ms. Montana's answer were directed to WVOX FM,  
15 not the AM.

16 THE COURT: Is that correct, Ms. Montana?

17 THE WITNESS: That was the way my answer was  
18 directed. The FM transmitter was still working.

19 BY MR. HELMICK:

20 Q Ms. Montana, do you have any recollection of a  
21 lightning strike on the WJUX antenna?

22 A Just barely in the fringes of my memory. It's not  
23 a clear recollection.

24 Q Was there only one instance that the antenna was  
25 hit by lightning?



1           A     To the best recollection of my limited knowledge  
2     of that event, yes, there was only one.

3           Q     To your recollection, do you have any idea when  
4     that may have occurred?

5           A     Absolutely not. I'm sorry.

6           Q     Would it have been prior to or after the FCC  
7     inspection?

8           A     I literally have no idea when that might have  
9     happened.

10          Q     You have stated that originally both you and Mr.  
11     Blabey were employed as consultants for WJUX.

12          A     That's correct.

13          Q     And for tax purposes, you wanted to be carried as  
14     an employee, rather than as an independent consultant?

15          A     That's correct.

16          Q     Do you have any knowledge as to why Mr. Blabey is  
17     still a consultant, as opposed to an employee?

18          A     That's Mr. Blabey's business.

19          Q     So, you know nothing about that?

20          A     I'm sorry. Was that a question?

21          Q     It is, yes.

22          A     I didn't hear it.

23          Q     You know nothing about that?

24          A     That's Mr. Blabey's business. I do not confer  
25     with him on financial matters.

1 Q Ms. Montana, who pays for your legal expenses in  
2 this proceeding?

3 A Mr. Weis.

4 MR. HELMICK: I will take a minute, Your Honor.  
5 Can we go off the record for a minute, Your Honor?

6 THE COURT: Yes.

7 (Whereupon, a short recess was taken.)

8 THE COURT: Let's go back on the record. Mr.  
9 Helmick?

10 BY MR. HELMICK:

11 Q Ms. Montana, during the FCC inspection in April  
12 1995, did the FCC inspector ask you about remote control  
13 capability at WJUX?

14 MR. RILEY: Asked and answered earlier today by  
15 Ms. Friedman. Let me go back to my notes and see --

16 THE COURT: I remember what the answer was, but I  
17 do not remember if the question was phrased in terms of  
18 whether the FCC inspector asked her. There is a  
19 distinction.

20 MR. RILEY: I cannot prove it from my notes,  
21 either.

22 THE COURT: I will allow the answer, if you can  
23 remember the question.

24 THE WITNESS: I do not recall my discussion with  
25 the FCC inspector.

1 BY MR. HELMICK:

2 Q You do not recall anything discussed?

3 A I told you what I recalled already. That he was  
4 standing in my office door leaning on the doorjamb. I do  
5 not recall any aspect of the conversation.

6 Q Were you present when the FCC inspector was with  
7 Mr. Blabey?

8 A Yes, I was.

9 Q The entire time. When you were in the studio --

10 A All right. I testified that I do not remember Mr.  
11 Blabey being there. Mr. Blabey has informed me that he was  
12 there. So, we were there at the same time.

13 THE COURT: According to Mr. Blabey. But you do  
14 not remember it?

15 THE WITNESS: I don't remember it. I just can't  
16 remember it.

17 BY MR. HELMICK:

18 Q If the FCC inspector had asked you whether WJUX  
19 had remote control capability on the day of the inspection,  
20 what would have been your answer to the inspector?

21 MR. RILEY: I object, Your Honor. I object most  
22 strenuously to that question. Not that formulation, but the  
23 basic information the question calls for was elicited on  
24 examination by Ms. Friedman thoroughly earlier today.

25 THE COURT: Okay. I will sustain the objection.

1 It is speculative.

2 BY MR. HELMICK:

3 Q Ms. Montana, you stated that Mr. Blabey has  
4 refreshed your recollection on certain things that happened  
5 during the inspection. Is that correct?

6 A That's correct.

7 Q Did Mr. Blabey tell you that on the day of the FCC  
8 inspection, he told the FCC inspector that WJUX had no  
9 remote control capability?

10 A That is incorrect. Mr. Blabey told me that the  
11 FCC inspector asked him if there was a remote control unit,  
12 to which he answered, 'There is not.'

13 THE COURT: Now, this testimony does not prove the  
14 facts which she just testified to. This testimony only  
15 stands for what Mr. Blabey told her he told the inspector.  
16 If you want to know what Mr. Blabey says he told the  
17 inspector, you ask Mr. Blabey. But this does not go to the  
18 facts of the matter.

19 BY MR. HELMICK:

20 Q At the time of the FCC inspection in April of  
21 1995, what remote control equipment was at the station?

22 A We had remote control dial-up capability. I could  
23 pick up a phone, dial a phone number, which I already told  
24 you, and access the remote control to tape greetings.

25 Q You would pick up a WVOS phone to do that?

1           A     At the time of the inspection, I would have picked  
2     up a WVOS phone. That's correct

3           Q     At the time of the FCC inspection, you knew the  
4     codes to access the dial-up remote control features?

5           A     Yes, I did.

6           MR. RILEY: Your Honor I have an objection to  
7     that. That was asked and answered.

8           THE COURT: I remember

9           MR. RILEY: Mr. Helmick is going right through the  
10    line of questioning of --

11          THE COURT: When we finish with this witness, I am  
12    going to have something to say about all this, but I do not  
13    want to do it now.

14          BY MR. HELMICK:

15          Q     Was Mr. Spicka called in, in connection to the FCC  
16    inspection?

17          A     As I stated before, Mr. Spicka happened to pop in  
18    to the WVOS studio, as he does on an occasional basis to say  
19    hello. He happened to pop in the day of the FCC inspection,  
20    and I asked him if he could assist Mr. Loginow with what he  
21    needed to see and do, and what he needed explained to him.

22          Q     Do you have any knowledge what Mr. Spicka did to  
23    assist Mr. Loginow?

24          A     Absolutely none.

25          Q     Do you know whether Mr. Spicka went out to the

1 WJUX transmitter to turn it on and off at the request of Mr.  
2 Loginow?

3 A I believe he did, but I don't know. I don't have  
4 that first hand. I wasn't with them. I believe he assisted  
5 Mr. Loginow in whatever he needed done.

6 Q Ms. Montana, who besides Mr. Blabey did you talk  
7 to refresh your recollection about the FCC inspection?

8 A Mr. Blabey was the only one.

9 MR. HELMICK: That is it, Your Honor.

10 THE COURT: I just have one question before we do  
11 cross. I am getting back to those bulletin boards.

12 THE WITNESS: Yes.

13 THE COURT: Do you remember those? That was like  
14 six hours ago?

15 THE WITNESS: I remember it, I think.

16 THE COURT: Again, let the record reflect sarcasm.  
17 Did you do a bulletin board for WVOS?

18 THE WITNESS: Yes, I did.

19 THE COURT: Was the two of them the same?

20 THE WITNESS: On most occasions, it is exactly the  
21 same. There was one or two times when I believe I redid it.  
22 I edited something out because it was of no interest to  
23 anyone, and I probably shouldn't have put it in there to  
24 begin with.

25 THE COURT: Edited out?

1 THE WITNESS: I'm sorry?

2 THE COURT: Did you edit it out of one station and  
3 left it in the other?

4 THE WITNESS: Yes. I edited it out of the one I  
5 faxed to the Network.

6 THE COURT: So, is it correct to say that you did  
7 a bulletin board for WVOX first?

8 THE WITNESS: Yes.

9 THE COURT: And then you adapted that to WJUX?

10 THE WITNESS: Yes. That was a rare occasion. And  
11 I don't even remember what the item was, but it was totally  
12 irrelevant.

13 THE COURT: So, generally, they were the same?

14 THE WITNESS: Absolutely.

15 THE COURT: I assume Mr. Riley is going to go  
16 first. Is that correct?

17 MR. NAFTALIN: We do not have any questions, Your  
18 Honor.

19 THE COURT: You do not have any questions. So,  
20 you can go first.

21 MR. NAFTALIN: Okay. Thank you.

22 MR. RILEY: Your Honor could we take a break.

23 THE COURT: Yes. Let's break for lunch.

24 MR. RILEY: Oh. I was going to say that we --

25 THE COURT: Can we conceivably get finished in a

1 reasonable period of time with redirect also?

2 MR. RILEY: Well, that I cannot predict, Your  
3 Honor. Maybe we should. I think we could be finished with  
4 my examination of Ms. Montana if we took a 15 minute break  
5 now, well before a quarter of one. But that does not allow  
6 for redirect.

7 MR. HELMICK: I would say, let's try it, because I  
8 do not anticipate a lot of redirect, unless depending on  
9 your questions --

10 THE COURT: Okay. Let's take a 15 minute break  
11 then. And we will back here at high noon.

12 MR. RILEY: Thank you, Your Honor.

13 (Whereupon, a short recess was taken.)

14 THE COURT: Back on the record. We will resume  
15 with Mr. Riley's cross-examination.

16 CROSS-EXAMINATION

17 BY MR. RILEY:

18 Q Ms. Montana --

19 A Yes.

20 Q Judge Steinberg asked you a question. I do not  
21 have the question noted, but it had to do with telephone  
22 calls you received. In your response to his question, you  
23 said you had received some complaints about WJUX.

24 Do you recall that question by Judge Steinberg?

25 A Yes, I do.



1           Q     I do not have any indication that Judge Steinberg  
2     or counsel asked you what the nature of those complaints  
3     was.

4           THE COURT: I had to leave something for you.

5           BY MR. RILEY:

6           Q     Rather, than leave the record as it is, could you  
7     tell, if you recall, what the nature of the call was?

8           A     Yes, sir. I recall two complaints distinctly.  
9     The first was a listener who called up to say that they  
10    could not get WJUX on their cable system. In Sullivan  
11    County, the cable system has a way of hooking up to an audio  
12    receiver, and several radio stations were on it for better  
13    reception purposes.

14          Q     Were there other complaints?

15          A     The other complaint that I recall specifically, is  
16    that we did not play enough Perry Como music.

17          Q     This being WJUX?

18          A     That's correct.

19          Q     Did you do anything with that complaint?

20          A     Yes, sir. I forwarded that to the Network. I  
21    called the Network myself and told them the nature of the  
22    complaint.

23          Q     Do you know whether the Network responded in any  
24    way?

25          A     Yes, sir. There is now a Perry Como show on